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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MENDEL BEKER,
 a.k.a. Mikhail Lvovich,
 a.k.a. Michael Beker,
 ARIE PRILIK and
 NEWCON INTERNATIONAL LTD.,

Defendants.

No. CR 07-0765 MHP

UNITED STATES' EXHIBIT LIST

Trial Date: November 10, 2010, 8:30 a.m.
 Pretrial Date: October 28, 2010, 2:30 p.m.
 Court: Honorable Marilyn Hall Patel

The United States hereby provides notice of its intent to offer into evidence or to use the following exhibits at trial in the above-captioned case. Some exhibits will be used to refresh recollection or as past recollection recorded, or for other purposes. If defendants object to the admissibility of an exhibit proffered by the United States, the government reserves the right to call additional witnesses not listed on its witness list to establish the authenticity and admissibility of such evidence.

The United States' Exhibit List does not currently identify as exhibits any transcripts of the twelve audio recordings between the defendants and a witness cooperating with the United States. The parties are still negotiating the accuracy of the English translations of the Russian

1 portions of the conversations. Once resolved, the United States will file an amended Exhibit
2 List. The United States reserves the right to further amend the list prior to and during trial as
3 necessary.

4 DATED: October 20, 2010

/s/

JEANE HAMILTON
DAVID J. WARD
RICHARD B. COHEN
ANNA TRYON PLETCHER
Trial Attorneys
Department of Justice, Antitrust Division

United States' Exhibit ListUnited States v. Mendel Beker, Arie Prilik and Newcon International

CR 07-0765 MHP

(X) PLAINTIFF

() DEFENDANTS

Exhibit Number	Date Marked	Date Admitted	Description
1			1006 Summary Chart of Wire Transmissions, Bates DOJ-NVG-080 thru DOJ-NVG-084
2			ATN banking information transmitted to Newcon, Bates FBI-029
3			ATN fax machine receipt confirming 2 pages faxed to 416/663-9065 on September 1, 2005, Bates FBI-031
4			ATN invoice to Newcon charging \$50,000 for a "loan," Bates FBI-027
5			ATN subcontract with ITE, Bates ATN-0035 thru ATN-0056
6			Bank of Nova Scotia records of \$50,000 wire transfer from Newcon Account to ATN account with Custodian of Records Declaration, Bates CAN-80 thru CAN-87
7			Barnes & Thornburg letter, dated August 19, 2005, re: "Background Information on Request to Set Prices To Maximize Profits and Control the Market" addressed to FBI, Bates ATN-0057 thru ATN-0060
8			Barskova - Glossary, Bates BARSK-0003
9			Barskova - Letter of recommendation, Bates BARSK-0002
10			Barskova - Resume, Bates BARSK-0001
11			Bell Canada telephone records for Newcon (August and September 2005), Bates CAN-103 thru CAN-115; specifically: 108, 109, 111, 112, 114 and Custodian of Records Declaration at CAN-88
12			Bell Canada telephone records for Newcon (July and August 2005); Bates CAN-88 thru CAN-102; specifically 99 and 100 and Custodian of Records Declaration at CAN-88
13			Bell Canada telephone records for Newcon (September and October 2005); Bates CAN-116 thru CAN-129; specifically: 117, 119, 123, 124, 126, 127, 128, 129 and Custodian of Records Declaration at CAN-88

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14			Email from ITE to Rocklin, dated August 17, 2005, beginning "Dima, We have been contacted by your competition . . ." Bates ATN0034
15			FBI - \$50,000 deposited into trust account, Bates FBI-076 thru FBI-077
16			FBI - Recording 01 - Summary debrief with Rocklin, Bates FBI-007 thru FBI-009
17			FBI - Recording 02 - Summary debrief with Rocklin, Bates FBI-010
18			FBI - Recording 03 - Summary debrief with Rocklin, Bates FBI-011
19			FBI - Recording 04 - Summary debrief with Rocklin, Bates FBI-012 thru FBI-013
20			FBI - Recording 05 - Summary debrief with Rocklin, Bates FBI-014 thru FBI-018
21			FBI - Recording 06 - Summary debrief with Rocklin, Bates FBI-019 thru FBI-021
22			FBI - Recording 07 - Summary debrief with Rocklin (no recording), Bates FBI-022
23			FBI - Recording 08 - Summary debrief with Rocklin, Bates FBI-032 thru FBI-033
24			FBI - Recording 09 - Summary debrief with Rocklin, Bates FBI-034
25			FBI - Recording 10 - Summary debrief of Rocklin, Bates FBI-048 thru FBI-050
26			FBI - Recording 11 - Summary debrief of Rocklin, Bates FBI-051 thru FBI-053
27			FBI - Recording 13 - Summary debrief of Rocklin, Bates FBI-055 thru FBI-056
28			FBI - Recording 14 - Summary debrief of Rocklin, Bates FBI-057 thru FBI-058
29			FBI audio of conversation #01 between Rocklin and Prilik, dated August 26, 2005, Bates FBI-RUS-0001
30			FBI audio of conversation #02 between Rocklin and Prilik, dated August 26, 2005, Bates FBI-RUS-0002
31			FBI audio of conversation #03 between Rocklin and Prilik, dated August 29, 2005, Bates FBI-RUS-0003
32			FBI audio of conversation #04 between Rocklin and Prilik, dated August 29, 2005, Bates FBI-RUS-0004

Exhibit Number	Date Marked	Date Admitted	Description
33			FBI audio of conversation #05 between Rocklin and Prilik, then Rocklin and Beker, dated August 30, 2005, Bates FBI-RUS-0005
34			FBI audio of conversation #06 between Rocklin and Prilik, then Rocklin and Beker, dated September 1, 2005, Bates FBI-RUS-0006
35			FBI audio of conversation #08 between Rocklin and Beker, dated September 2, 2005, Bates FBI-RUS-0008
36			FBI audio of conversation #09 between Rocklin and Beker, dated September 2, 2005, Bates FBI-RUS-0009
37			FBI audio of conversation #10 between Rocklin and Beker, dated September 7, 2005, Bates FBI-RUS-0010
38			FBI audio of conversation #11 between Rocklin and Beker, dated September 8, 2005, Bates FBI-RUS-0011
39			FBI audio of conversation #13 between Rocklin and Prilik, dated September 20, 2005, Bates FBI-RUS-0013
40			FBI audio of conversation #14 between Rocklin and Beker, dated October 4, 2005, Bates FBI-RUS-0014
41			FBI Chain of Custody for recordings, Bates FBI-080 thru FBI-098
42			FBI Report, dated November 21, 2005, documenting collection of \$50,000 from Union Bank of California, Bates FBI-062 thru FBI-063
43			FBI Report, dated November 28, 2005, of Newcon demand letter sent to ATN, Bates FBI-064 thru FBI-067
44			FBI Report, dated September 15, 2005, describing ATN documents faxed to Newcon on September 1, 2005, Bates FBI-023 thru FBI-026
45			FBI Report, dated September 15, 2005, of Newcon documents (proposed agreement and draft letter from Russian Customs) faxed to ATN by Beker, Bates FBI-035 thru FBI-036
46			FBI Rocklin Interview (August 24, 2005), Bates FBI-001 thru FBI-006

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47			Newcon - September 1, 2005 email chain from Rocklin to Beker and Beker's response to Rocklin re: "Loan and banking info for a wire," Bates FBI-047
48			Newcon Civil Complaint against ATN, filed Feb. 7, 2006, Bates CIVI-0001 thru CIVI-0038
49			Newcon Corp Papers, Bates NC-1 thru NC-5
50			Newcon Corp Papers, Bates NC-6 thru NC-18
51			Newcon email and attachments to ATN, dated September 2, 2005, containing (1) email, Bates FBI-038; (2) Proposed agreement between ATN & Newcon, Bates FBI-040 thru FBI-041; and (3) letter beginning, "This letter is to advice that our office is currently evaluating . . ." Bates FBI-043
52			Newcon letter to ATN, dated November 8, 2005, beginning, "The primary purpose of this letter is to inform you . . ." Bates FBI-068 thru FBI-074
53			Qwest telephone records of ATN account (August and September 2005), Bates QWE-079 thru QWE-115; specifically 79, 81, 84, 85, 86, 87, 88, 89 and Custodian of Records Declaration at QWE-006 thru QWE-0007
54			Qwest telephone records of ATN account (July and August 2005), Bates QWE-041 thru QWE-078; specifically: 46, 50, 52 and Custodian of Records Declaration at QWE-006 thru QWE-0007
55			Qwest telephone records of ATN account (September and October 2005), Bates QWE-116 thru QWE-155; specifically 119 and Custodian of Records Declaration at QWE-006 thru QWE-0007
56			Rocklin Interview (dated December 12, 2007) , Bates DOJ-NVG-058 thru DOJ-NVG-061
57			Rocklin Interview (dated January 22, 2008), Bates DOJ-NVG-001 thru DOJ-NVG-057
58			Rocklin Interview (dated July 1, 2010), Bates DOJ-NVG-067 thru DOJ-NVG-079
59			Rogers Communication telephone records of Newcon account (August to October 2005), Bates CAN-26 thru CAN-73; specifically 49 and 58 and Custodian of Records Declaration at CAN-26

Exhibit Number	Date Marked	Date Admitted	Description
60			Rogers Communications telephone records of Newcon account, dated September 20, 2005, Bates CAN-1 thru CAN-5
61			TACOM - Agent report of September 9, 2005 recording of conversation between Prilik and McAleer, Bates CID-048
62			TACOM - Battalion Set I Contract, Bates TACOM-376 - TACOM-470
63			TACOM - Battalion Set II Contract amendment #1 to order #1, Bates TACOM-926 thru TACOM-933
64			TACOM - Battalion Set II Contract order submitted by McAleer, Bates CID-021
65			TACOM - Battalion Set II Contract with ITE, Bates TACOM-11523 thru TACOM-11613
66			TACOM - Battalion Set II Contract, Bates TACOM-853 thru TACOM-911
67			TACOM - Battalion Set II Contract, Order #1, Bates TACOM-912 thru TACOM-925
68			TACOM - Battalion Set II Contract, signed by ITE with NVG contract delivery order NVG contract delivery order; Bates CID-032 thru CID-034
69			TACOM - Battalion Set II Contract: description of products, Bates TACOM-1153 thru TACOM-1164
70			TACOM - Battalion Set II NVG Contract delivery order for ITE, Bates CID-035
71			TACOM - Battalion Set II NVG Contract delivery order for ITE, Bates CID-036 thru CID-037
72			TACOM - Battalion Set II NVG Delivery schedule, Bates CID-039
73			TACOM - Battalion Set II Shipments of NVGs under ITE contract, Bates CID-082 thru CID-083
74			TACOM - Battalion Set II Solicitation W56HZV-05-R-0080, Bates TACOM-112 thru TACOM-198
75			TACOM - McAleer email, dated November 30, 2005, beginning with "Please excuse the format spacing in my message . . ." Bates TACOM-012 thru TACOM-030
76			TACOM - McAleer Interview, dated 11/15/07, Bates CID-014
77			TACOM - McAleer Interview, dated 3/2/10, Bates CID-135 thru CID-138

Exhibit Number	Date Marked	Date Admitted	Description
78			TACOM - McAleer Interview, dated 3/6/07, Bates CID-003 thru CID-005
79			TACOM - McAleer Interview, dated 9/23/05, Bates CID-139 thru CID-140
80			TACOM - McAleer notes of message he left for Prilik on September 21, 2005, Bates TACOM-1171B thru TACOM-1172
81			TACOM - McAleer notes of telephone call between ITE and McAleer, dated November 7, 2005, Bates TACOM-1177 thru TACOM-1178
82			TACOM - McAleer notes of telephone call between Prilik and McAleer, dated May 31, 2006, Bates TACOM-1183 thru TACOM-1184
83			TACOM - McAleer notes of telephone call between Prilik and McAleer, dated November 17, 2005, Bates TACOM-1180 thru TACOM-1182
84			TACOM - McAleer notes of telephone call between Prilik and McAleer, dated October 19, 2005, Bates TACOM-1176
85			TACOM - McAleer notes of telephone call between Prilik and McAleer, dated September 22, 2005, Bates TACOM-1174 thru TACOM-1175
86			TACOM - McAleer notes of telephone call with Prilik and McAleer, dated September 9, 2005, Bates TACOM-1170 thru TACOM-1171
87			TACOM - McAleer notes of timeline of events, Bates TACOM-1185 thru TACOM-1186
88			TACOM - McAleer notes of voicemail left by Prilik on September 8, 2005, Bates TACOM-1169
89			TACOM - McAleer summary of Battalion Sets I & II contract histories, Bates TACOM-MCALEER-014028 thru TACOM-MCALEER-014030
90			TACOM - Phone message slip: Prilik call to TACOM's Harry Hallock, dated September 21, 2005, Bates TACOM-1173
91			TACOM - Phone message slip: Prilik call to TACOM's Ken Bousquet, dated November 17, 2005, Bates TACOM-1179
92			TACOM - Record of phone call from Prilik to TACOM's Kenneth Bousquet, dated October 5, 2005, Bates CID-058

Exhibit Number	Date Marked	Date Admitted	Description
93			TACOM - Tape 12 - audio of conversation between McAleer and Prilik, dated Spetember 9, 2005, Bates FBI-ENG-0012
94			TACOM - Tape 12 - Declaration of James A. McEdwards, Bates CID-142 thru CID-144
95			TACOM - telephone record of calls from TACOM to Newcon (dated August 16, 2005, September 9, 2005, September 22, 2005 and October 17, 2005), Bates TACOM-1197
96			TACOM - Telephone record of McAleer calls to Prilik, dated September 9, 2005 and September 22, 2005, Bates TACOM-199 (Custodian of Records Declaration at TACOM-1152)
97			TACOM - Transcript of Audio Conversation #12 between McAleer and Prilik, dated September 9, 2005, Bates CID-FIN-145 thru CID-FIN-156
98			Union Bank of California receipt documenting FBI collected \$50,000 on November 21, 2005, Bates FBI-075
99			Union Bank of California record of \$50,000 wire transfer and Custodian of Records Declaration, Bates UBOC-1 thru UBOC-2